

FILED**United States District Court**

AUG 24 2005

MIDDLE

DISTRICT OF

ALABAMA

CLERK

U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

v.

JOSEPH D. ARMSTRONG

CRIMINAL COMPLAINT

CASE NUMBER:

2:05 mj 104 CSC

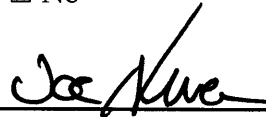
(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April, 2005, in Montgomery county and elsewhere within the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

combine, conspire, and confederate with others known and unknown to possess with intent to distribute more than 50 grams of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21 United States Code, Section(s) 846 I further state that I am a(n)

High Intensity Drug Trafficking Area Agent and that this complaint is based on the following facts:
Official Title

SEE THE ATTACHED AFFIDAVIT WHICH IS INCORPORATED BY REFERENCE

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

August 24, 2005

Date

at Montgomery, Alabama

City and State

Charles S. Coody, U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

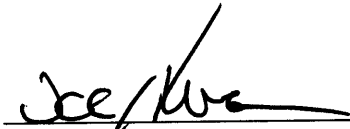
A F F I D A V I T

Affiant, Joe Herman, being duly sworn deposes and says:

1. I am an Alabama State Trooper, assigned as an Agent for the Alabama Bureau of Investigation's Narcotics Operations Service, and detailed to the Major Investigation Team of the High Intensity Drug Trafficking Area Task Force (HIDTA), which are, both located at the Investigative Operations Center in Montgomery, Alabama. I am cross-designated and federally deputized by the United States Drug Enforcement Administration (DEA) which empowers him with authority under Title 21, United States Code. I have twenty-two years of law enforcement experience in which the past twelve have been extensively directed in narcotics investigations. The facts and information in this affidavit are based on my personal knowledge and the knowledge of other law enforcement officers and confidential sources.
2. On Sunday, April 10, 2005, a confidential source, herein after identified as CS #1 was interviewed by your affiant in furtherance of a federal methamphetamine investigation. During the initial interview, CS#1 identified Joseph Armstrong as a local distributor of methamphetamine for the Montgomery, Alabama and surrounding area. According to CS#1, Armstrong is an ounce distributor of "Ice" methamphetamine. CS#1 added that on the same date of the interview, Armstrong and another person gave CS#1 1000.00 towards the purchase of methamphetamine.
3. In April 2005, a confidential source, herein after identified as CS #2 was interviewed by your affiant in furtherance of a federal methamphetamine investigation. During that interview, CS#2 identified Joseph Armstrong as a local distributor of methamphetamine for the Montgomery, Alabama and surrounding area. According to CS#2, he/she had

obtained ½ ounce quantities of “Ice” methamphetamine from Armstrong on two or three occasions within the past year.

4. In an interview with CS#1 on Thursday May 5, 2005, he/she told your affiant that he/she had also sold Armstrong “Ice” methamphetamine in ounce quantities. As a result of this new information, a consensually monitored telephone call was placed by CS#2 to Armstrong under the direction and control of your affiant. During that conversation, Armstrong subsequently asked CS#2 if law enforcement agents knew about every occasion that Armstrong purchased methamphetamine from CS#2. CS#2 subsequently told Armstrong that law enforcement agents knew about five or six occasions where CS#2 sold Armstrong methamphetamine. The telephone conversation continued with the CS#2 explaining to Armstrong that agents knew that CS#2 was supplying Armstrong with two and a half ounces every three or four days, referring to the ounces of methamphetamine as “Onions.” CS#2 inquired to whom Armstrong was selling methamphetamine. Armstrong subsequently identified for CS#2 two individuals that he was routinely selling to, however could not remember the other people to whom he sold “Ice.”



Joe Herman, Agent
Alabama Bureau of Investigation

Sworn to and subscribed before me this 24th day of August, 2005



Charles S. Cooley
United States Magistrate Judge